

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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GERALD E. BELL, <i>et al.</i> ,	)	
	)	Case No. 13-455-PEC
Plaintiffs,	)	Hon. Patricia E. Campbell-Smith
	)	
v.	)	(E-Filed January 15, 2019)
	)	
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	
	)	

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**Joint Status Report**

In accordance with the Court's October 18, 2017 order (ECF No. 66) and July 19, 2018 order (ECF No. 72), the parties hereby report that they have reached agreement on the settlement documents and that the properties have been surveyed.

At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies participating in this action, including the Department of Homeland Security ("DHS") and the International Boundary and Water Commission ("IBWC"). The Department does not know when funding will be restored by Congress. Absent an appropriation, Department of Justice attorneys and employees of DHS and IBWC are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Once appropriations are restored, the Department and its client agencies will be able to resume seeking approval of the recommended settlement from the appropriate supervisory officials at the Department of Justice, DHS, and IBWC.

The parties believe that the stay should be continued. The parties propose to file a joint status report in ninety days. The status report will advise the Court on the status of the settlement discussions and, if necessary, propose deadlines for Rule 56 motions.

Dated: January 15, 2018

Respectfully submitted,

BARRON, ADLER, CLOUGH & ODDO, LLP

/s/ Roy R. Brandys (by John P. Tustin)

ROY R. BRANDYS  
NICHOLAS P. LAURENT  
808 Nueces Street  
Austin, Texas 78701  
512-478-4995  
512-478-6022 Fax  
[brandys@barronadler.com](mailto:brandys@barronadler.com)  
[laurent@barronadler.com](mailto:laurent@barronadler.com)

*Counsel for Plaintiffs*

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment & Natural Resources Division

/s/ John P. Tustin

JOHN P. TUSTIN  
Environment & Natural Resources Division  
United States Department of Justice  
601 D Street, NW, Rm. 3134  
Washington, D.C. 20004  
202-305-3022  
[john.tustin@usdoj.gov](mailto:john.tustin@usdoj.gov)

*Counsel for Defendant*